

The complaint

Miss S is unhappy that AXA France IARD declined a claim she made on her personal accident policy.

What happened

Miss S has a personal accident policy. She claimed on the policy for a fracture. The claim was declined as AXA said she hadn't provided sufficient evidence of the fracture. They said they needed evidence of the fracture from an x-ray which was confirmed by a radiographer.

Miss S complained to AXA but they maintained their decision to decline their claim. Miss S complained to the Financial Ombudsman Service.

Our investigator looked into what happened. He didn't think AXA had declined the claim unfairly bearing in mind the medical evidence that was available. Miss S didn't agree and asked an ombudsman to consider her complaint.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

The relevant rules and industry guidelines say that AXA has a responsibility to handle claims promptly and fairly. And they shouldn't reject a claim unreasonably.

The policy terms and conditions say:

Fractures cover a break in a bone which is identified by x-ray and confirmed by a radiographer.

This includes greenstick fractures (bend or crack in the bone) in children as a result of an accident.

I'm not upholding this complaint because Miss S does not have an x-ray showing a fracture. So, on a strict application of the policy terms she is not entitled to have her claim paid.

I've thought about whether it would be fair and reasonable to depart from the policy terms and conditions. I don't think it is in the circumstances of this case. Miss S saw her GP and he said that her injury was consistent with a possible rib fracture. This wasn't confirmed by x-ray as it didn't alter how the GP would manage her symptoms. But, I don't think this is persuasive evidence that there was a fracture as the GP described it as a possible fracture.

I appreciate that Miss S may not have been asked to provide evidence from an x-ray on previous claims. However, every claim is different and I don't think it's unreasonable for AXA to request this evidence in line with the policy terms.

My final decision

I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 10 April 2024.

Anna Wilshaw
Ombudsman